

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

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|-----------------------|---|-------------------------------------|
| JEFFREY SILER, | : | |
| Plaintiff, | : | |
| | : | Case No. 3:03CV00031 |
| vs. | : | |
| | : | District Judge Thomas M. Rose |
| WAL-MART STORES INC., | : | Magistrate Judge Sharon L. Ovington |
| Defendant. | : | |

ORDER

The Court has reviewed *de novo* the Report and Recommendations of United States Magistrate Judge Sharon L. Ovington (Doc. #40), to whom this case was originally referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby adopts said Report and Recommendations. Accordingly, the Court **ORDERS** that:

1. The Report and Recommendations filed on April 25, 2005 (Doc. #40) is ADOPTED in full;
2. Defendant Wal-Mart Stores Inc.'s Motion for Partial Summary Judgment (Doc. #35) is GRANTED; and
3. Plaintiff's claims for relief are DISMISSED without prejudice to the extent his claims concern events that occurred before December 15, 1994, the date he filed his bankruptcy Petition.

May 17, 2005

s/**THOMAS M. ROSE**

Thomas M. Rose
United States District Judge